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*David G. Parkhurst*

David G. Parkhurst, Reg. No. 29,422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Inventor: JOSHUA LEVY

Serial No. 10/027,478

Filed: December 21, 2001

For: PASSIVE HYPERIMMUNE  
ANTIBODY THERAPY IN THE  
TREATMENT OF ANTHRAX

Examiner: Virginia Allen Portner

Group Art Unit: 3762

Client ID/Matter No.: HEMAC 58977

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
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Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure and 37 C.F.R. § 1.97(b), Form PTO-A820 and copies of the foreign references listed therein are enclosed in order to inform the Examiner of prior art which may be material to patentability of the invention.

It is believed that no fee is due in connection with this paper.

I hereby certify that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a

counterpart foreign application not more than three months prior to the filing of this statement. A copy of the International Search Report reporting the corresponding PCT application PCT/US 02/30419 dated June 8, 2004 is attached as evidence of relevance of the foreign language references.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: David G. Parkhurst  
David G. Parkhurst  
Registration No. 29,422

DGP/rvw

Encls. Return Postcard

Form PTO/A820 (w/references)

Copy of International Search Report

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
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Customer No. 24201



Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

### Complete if Known

Application Number	10/027,478
Filing Date	December 21, 2001
First Named Inventor	Joshua Levy
Art Unit	3762
Examiner Name	Virginia Allen Portner
Attorney Docket Number	HEMAC 58977

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		US- 4,296,024		10-20-81	William J. McAleer, et al.	
		US-				
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### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind <sup>5</sup> (if known)				
		FR	2,798,291 A		03-16-2001	Pasteur Institut		
		RU	1 347 224 C		11-20-1995	Vsesojuznyi		

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Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 2

### Complete if Known

Application Number	10/027,478
Filing Date	December 21, 2001
First Named Inventor	Joshua Levy
Art Unit	3762
Examiner Name	Virginia Allen Portner
Attorney Docket Number	HEMAC 58977

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"The Treatment of Anthrax", PF Lucchesi and N. Gildersleeve, Journal of the American Medical Association, Vol. 116, No. 14, pages 1506-1508	
		"Passive Transfer of Protection Against Bacillus Anthracis Infection In a Murine Model", R. J. Beedham, et al, Vaccine, Butterworth Scientific. Guildford, GB, Vol. 19, No. 31, August 14, 2001 pp. 4409-4416	
		"Passive Protection by Polyclonal Antibodies Against Bacillus Anthracis Infection in Guinea Pigs", S. F. Little et al., Infection and Immunity, American Society for Microbiology, Vol. 65, No. 12, December 1997, pp. 5171-5175	
		"Return to the Past: The Case for Antibody-Based Therapies in Infectious Diseases", A. Casadevall, et al., Clinical Infectious Diseases: An Official Publication of the Infectious Diseases Society of America, July 1995, Vol. 21, No. 1, pp. 150-161	
		"On The Treatment of Patients With Anthrax", F. G. Mukhordov, et al., Zurnal Mikrobiologii Epidemiologii I Immunobiologii, Medicina, Moscow, RU, Vol. 43, No. 3, March 1966, pp. 143-145	

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/027,478	
	Filing Date	December 21, 2001	
	First Named Inventor	Joshua A. Levy	
	Art Unit	3762	
	Examiner Name	Joshua A. Levy	
Total Number of Pages in This Submission		Attorney Docket Number	HEMAC 58977

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	FULWIDER PATTON LEE & UTECHT, LLP Customer No. 24201
Signature	<i>David G. Parkhurst</i>
Date	August 20, 2004

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Typed or printed name	David G. Parkhurst	Date	August 20, 2004
Signature	<i>David G. Parkhurst</i>		

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